

RECEIVED  
CENTRAL FAX CENTER

JAN 31 2007

M. ROBERT KESTENBAUM, LLC  
PATENT AND TRADEMARK MATTERS

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Primary Examiner Alfred Basichas	M. Robert Kestenbaum
COMPANY:	DATE:
Commissioner for Patents	January 31, 2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(571) 273 8300	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(571) 272 4871	(E) 1854 US
RE:	YOUR REFERENCE NUMBER:
Formal Memorandum Regarding Discussions with the Examiner	10/723,201

## NOTES/COMMENTS:

**THIS SUBMISSION MAKES FILING AN RCE TO AVOID ABANDONMENT  
UNNECESSARY**

Dear Examiner Basichas:

I am faxing a Formal Memorandum of Record to be placed in the application file. In our discussions with you on 1/30/2007 and 1/31/2007, you stated that you will withdraw the finality of the last office action of 07/31/2006 and issue a new office action, which restarts the response period. This action on your part makes it unnecessary for me to file a RCE to avoid abandonment. You stated that you will issue an Interview Summary regarding our agreement, which I should receive approximately in the next two weeks. Since this is the last day of the response period, I hereby respectfully request that this Formal Memorandum of Record be placed in the application file. Thank you very much in advance for discussing this case with me, for agreeing to withdraw the finality of the office action, and providing me with the Interview Summary documenting our agreement.

We respectfully believe that the Amendment After Final Action overcomes the only remaining rejections and places the claims in condition for allowance, and hope to receive a Notice of Allowance for this application in the near future.

Thank you for in advance for your consideration and cooperation on this case. We greatly appreciate your time.

Sincerely,

M. Robert Kestenbaum



11011 BERMUDA DUNES NE  
ALBUQUERQUE, NEW MEXICO USA 87111  
PHONE (505) 323-0771  
FAX (505) 323-0865

**JAN 31 2007**

002

01/31/2007 09:43 FAX 5053230865

M OBERT KESTENBAUM

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 3749

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: US Patent Application 10/723,201  
Filed November 26, 2003  
Art Unit 3749  
Primary Examiner Alfred Basichas  
Examiner's Phone (571) 272-4871  
Applicant Wahl et al  
Attorney Docket (E) 1854

Mail Stop AF with Fee **NOTE: This Submission Makes an RCE to Avoid**  
PO 1450 **Abandonment Unnecessary**  
Commissioner for Patents  
Alexandria, Virginia 22313-1450

**Formal Memorandum of Discussion with Examiner**

Dear Examiner Basichas:

This serves to formally document the prior conversations you had with me and my office on 1/30/2006 and 1/31/2007, in which it was not possible for you to issue a Notice of Allowance. However, you stated that you would withdraw the finality of the office action of 07/31/2006 and issue a new action, which eliminates the need for filing a RCE to avoid abandonment and would begin a new response period. We requested that you issue an Interview Summary confirming (in writing) your agreement to withdraw the finality of the office action and issue a new office action. You stated that you would send Interview Summary documentation in approximately the next two weeks, and instructed us to file this Formal Memorandum of Discussion.

Thank you in advance for providing me with the Interview Summary necessary to document our agreement in the file, thereby ensuring that an unintentional abandonment situation does not arise.

US Patent Application 10/723,201 Attorney Docket (E)1854 US  
Memorandum regarding Final Action of 7/31/06 submitted on 1/31/07 by fax with certification

1

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 3749

Wherefore, further consideration and allowance of the claims is respectfully requested. Applicant respectfully believes that the claims are now in condition for allowance, that all rejections have been overcome, and that all features included in the claims are well supported in the specification and have been present in the claims prior to the issuance of the final office action. Therefore, we respectfully believe that the current Amendment After Final Action does not add new matter or require a new search. Please review claims 1 and 6 of the Amendment submitted on 05/30/2006 and the original specification (paragraph [0010] and through-out the specification) when you review the file in the future.

Thank you very much for your cooperation and time.

Respectfully submitted,



M. Robert Kestenbaum  
Reg. No. 20,430 Customer No. 000066997  
11011 Bermuda Dunes NE  
Albuquerque, New Mexico 87111  
Phone (505) 323-0771  
Fax (505) 323-0865

#### CERTIFICATE OF SUBMISSION BY FACSIMILE

I hereby certify under 37 CFR §1.8(a) that this correspondence is being submitted by facsimile transmission to Mail Stop Amendment after Final Action with Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 01/31/2007, fax number (571) 273 8300 and (571) 273 4871.



M. Robert Kestenbaum

US Patent Application 10/723,201 Attorney Docket (E)1854 US  
Memorandum regarding Final Action of 7/31/06 submitted on 1/31/07 by fax with certification